

1 KEVIN BURTON
2 # C-38062
3 R. J. DONOVAN PRISON
4 P.O. Box 799007
5 SAN DIEGO, CA 92179

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6 United STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8

9 KEVIN BURTON
10 PLAINTIFF,
11 VS.

CASE NO: C07-4967 PJH(PR)

12 CALIFORNIA DEPARTMENT OF
13 CORRECTIONS, ET AL.
14 DEFENDANTS

PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO
DEFENDANTS, "AMENDED".

15
16
17 PURSUANT TO RULE 33 OF THE FEDERAL RULES OF CIVIL PROCEDURE
18 AND ORDER OF THIS COURT, PLAINTIFF KEVIN BURTON, (HEREINAFTER
19 "BURTON"), HEREBY REQUESTS THAT DEFENDANT, MIKE EVANS,
20 ANSWER THE FOLLOWING INTERROGATORIES UNDER OATH, IN ACCORD-
21 ANCE WITH THE DEFINITIONS AND INSTRUCTIONS SET FORTH BELOW,
22 WITHIN THIRTY (30) CALENDAR DAYS AFTER SERVICE OF THESE
23 INTERROGATORIES.

24 IF YOU CANNOT ANSWER THE FOLLOWING INTERROGATORIES IN FULL,
25 AFTER EXERCISING DUE DILIGENCE TO SECURE THE INFORMATION TO DO
26 SO, SO STATE AND ANSWER TO THE EXTENT POSSIBLE, SPECIFYING YOUR
27 INABILITY TO ANSWER THE REMAINDER AND STATING WHATEVER INFOR-
28 MATION OR KNOWLEDGE YOU HAVE CONCERNING THE UNANSWERED
PORTIONS.

1 These Interrogatories shall be deemed continuing,
2 so as to require supplemental answers as new and different
3 information materializes.

4 5 Definitions AND Instructions

6 (A) As used herein, the term "document" means every type
7 of recorded information dated or prepared prior to or
8 subsequent to this action including but not limited to
9 any memorandum, note, report, letter, correspondence,
10 message, record minutes, work sheet, draft, instruction,
11 work assignment, internal communication, order and any
12 other written, recorded, electronic, or graphic material
13 however produced or reproduced and, in the absence of
14 the original, a copy thereof and any copy bearing
15 markings not present on the original or other copy thereof.

16 (b) The word "Incident" includes the circumstances and
17 events surrounding the alleged events at issue and other
18 occurrences giving rise to this action.

19 (c) The word "Identify" as used with respect to any
20 documents is understood to mean the following:

21 1) title., 2) Date., 3) name and position or originator,
22 4) name and position of any and all recipients.,

23 5) name and position of any other person who received copies
24 or any portion of the document in question.,

25 6) Description of the document subject matter and contents.,

26 7) location of the document.,

27 8) name and position of the custodian of the document.
28

1 (d) The word "Identify" is used with respect to any
 2 person, is understood to MEAN the following information
 3 is to be provided:

- 4 1) Full Name., 2) present or last known address (work
- 5 within C.D.C.R.),
- 6 3) present or last known business address.,
- 7 4) Occupation and title., and 5) Present or last known
- 8 employer.

10 INTERROGATORIES

- 11 1. Identify and attach a copy of any and all documents relating
- 12 to Salinas Valley State Prison (S.V.S.P.) C.D.C.R., Administration
- 13 Segregation Unit admission policies and procedure.
- 14 2. Identify and attach a copy of any and all documents relating
- 15 to S.V.S.P. C.D.C.R., Administration Segregation Unit
- 16 holding cage policies and procedures.
- 17 3. Identify and attach a copy of any and all documents
- 18 relating to S.V.S.P. C.D.C.R., Administration Segregation
- 19 Unit policies and procedures concerning conditions of
- 20 segregated unit housing.
- 21 4. Identify and attach a copy of any and all documents
- 22 relating to S.V.S.P. C.D.C.R., Administration Segregation Unit,
- 23 Administration Segregation Records Policies and Procedures.
- 24 5. Identify and attach a copy of any and all documents
- 25
- 26
- 27
- 28

1 relating to S.V.S.P. C.D.C.R., Administration Segregation
 2 unit, policies and procedures, relating to Concerning
 3 Officer In Charge.

4
 5 6. Identify and attach a copy of any and all documents
 6 relating to S.V.S.P. C.D.C.R., Administration Segregation
 7 unit, policies and procedures relating to Administration
 8 Visitation: as defined in C.D.C.R. Code of Regulations.

9
 10 7. Identify and attach a copy of any and all documents, relating
 11 to S.V.S.P. C.D.C.R. Relating to Chief Executive Officer.
 12 Policies and Procedures.

13 8. Identify and attach a copy of any and all documents,
 14 relating to S.V.S.P. C.D.C.R. Administration Segregation
 15 unit, Medical Care responsibilities, policies and procedures.

16
 17 9. Identify and attach a copy of any and all documents,
 18 relating to prison Medical Care Responsibilities policies
 19 and procedures concerning prison Medical Care Staff
 20 training and education.

21
 22 10. Identify and attach a copy of any and all documents
 23 of Persons, (Correctional Officers), first and last names,
 24 and position, showing who was on duty, worked
 25 in S.V.S.P. Administration Segregation unit, specifically:
 26 Facility D. Building Eight (8) on the dates of
 27 January 11, 2005. "second, and third watch,"
 28

1 JANUARY 12, 2005. First, second and Third watch.,
 2 JANUARY 13, 2005. First, second and Third watch.,
 3 JANUARY 14, 2005. First, second and Third watch.,
 4 JANUARY 15, 2005. First, second and Third watch.,
 5 JANUARY 16, 2005. First, second and Third watch.,
 6 JANUARY 17, 2005. First, second and Third watch.,
 7 AND JANUARY 18, 2005 First, second and Third watch.

9 11. Identify and attach a copy of any and all documents
 10 of Persons (Correctional officers) first and last names,
 11 and position showing who was scheduled for duty at
 12 S.V.S.P. Administration Segregation unit, specifically:
 13 Facility D- Building Eight (8) on the dates of
 14 JANUARY 11, 2005. 2nd & 3rd watch, Till JANUARY 18,
 15 2005. 1st, 2nd & 3rd watch.

16 12. Identify and attach a copy of any and all documents
 17 of Persons Medical staff, Psychiatric staff, first and
 18 last name, and position showing who was on duty,
 19 worked in S.V.S.P. Administration Segregation unit,
 20 specifically: Facility D- Building Eight (8) on the dates
 21 of JANUARY 11, 2005. Second and Third watch.
 22 JANUARY 12, 2005. First, second and Third watch.
 23 JANUARY 13, 2005. First, second and Third watch.
 24 JANUARY 14, 2005. First, second and Third watch.
 25 JANUARY 15, 2005. First, second and Third watch.
 26 JANUARY 16, 2005. First, second and Third watch.
 27 JANUARY 17, 2005. First, second and Third watch.
 28

1 AND JANUARY 18, 2005. First, Second AND Third Watch.

2 13. Identify and attach a copy of any and all documents
3 of Persons Medical staff, Psychiatric staff, first and last
4 names and position showing who was scheduled for
5 duty at S.V.S.P. Administration Segregation Unit,
6 specifically: facility D-Building Eight (8) on the dates
7 of January 11, 2005. 2nd & 3rd watch, till January
8 18, 2005. 1st, 2nd & 3rd watch.

9
10 14. Identify and attach "any and all documents"
11 complaint, Incident Reports, grievance, criticism,
12 including Termination of employment, Internal
13 investigations, media releases, including but not
14 limited to prison spoke-person releases, censure,
15 reprimand or rebuke directed towards S.V.S.P. correctional
16 staff, and/or medical staff as a direct result of
17 incident concerning Plaintiff BURTON, and the
18 incident giving rise to this proceeding.

19
20
21 Dated: August 28, 2008.

22
23 By: Kevin Burton

24 KEVIN BURTON #C-38062
25 R. J. DONOVAN PRISON
26 P.O. Box 999007
27 SAN DIEGO, CA 92179
28

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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SAN FRANCISCO, CA 94102-7004

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E-Mail: Scott.Feudale@doj.ca.gov

August 20, 2008

Kevin Burton (CDCR # C-38062)
Richard J. Donovan Correctional Facility
Facility F-2-8-124L
P.O. Box 799002
San Diego, CA 92179-9002

RE: KEVIN BURTON v. CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.
United States District Court, Northern District of California, Case No. C 07-4967 PJH

Dear Mr. Burton:

Defendants received your interrogatories and requests for production dated August 5, 2008. Your interrogatories are being returned to you as they cannot be responded to as currently phrased. Federal Rule of Civil Procedure 33(a) & (b) requires that interrogatories be served on a party, and that the party to whom they are directed serve answers under oath and verify his or her answers with a signature. Your interrogatories are directed generally to "Defendants." Without specifying to whom these interrogatories are directed, our office cannot determine by which Defendant these interrogatories must be answered. Accordingly, please re-draft your interrogatories and direct them to the appropriate party as required under Rule 33. Upon receipt of your amended interrogatories, the appropriate party will respond within the time allowed under Rule 33. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Feudale".

SCOTT J. FEUDALE
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Enclosure

VERIFICATIONSTATE OF CALIFORNIA
COUNTY OF SAN DIEGO

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. SEC. 1746)

I, KEVIN BURTON DECLARE UNDER THE PENALTY OF PERJURY
 THAT: I AM THE Declarant/Prisoner IN THE ABOVE ENTITLED ACTION;
 I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
 TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
 BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 28th DAY OF August, AT R.J.D.
 STATE PRISON, 480 Alta Road, San Diego, CA 92179

(SIGNATURE) Kevin Burton
 (DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I, Leonie Thomas, AM A RESIDENT OF R.J.D. STATE PRISON, IN THE COUNTY
OF S.D. STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM AM
NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX
799007 SAN Diego, CA SAN Diego, CA 92179

ON _____, I SERVED THE FOREGOING:

Plaintiff's First Set of Interrogatories to Defendants
Amended

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE
 (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO
 PROVIDED AT Richard J. Donovan Correctional Facility

Addressee respectively as follows:

Department of Justice
 Office of the Attorney General
 455 Golden Gate Av. Suite 11000
 SAN FRANCISCO, CA 94102-3664

Office of the Clerk
 U.S. District Court
 Northern District of California
 450 GOLDEN GATE AVE
 SAN FRANCISCO, CA 94102

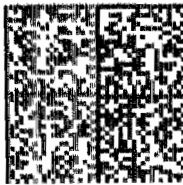
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 REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO
 ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: August 28, 2008 Kevin Burton
 (DECLARANT/PRISONER)

KEVIN BURTON #C-38062
R. J. DONOVAN STATE PRISON
P.O. Box 999007
San Diego, CA 92179

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